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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,060	02/11/2004	Dilip Tapadiya	TAPADI.003C2	2091
20995 7590 07/18/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER ANDERSON, CATHARINE L	
			ART UNIT 3761	PAPER NUMBER
			NOTIFICATION DATE 07/18/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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**Office Action Summary**

Application No.

10/776,060

Applicant(s)

TAPADIYA, DILIP

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 51-55,63-70,75-81,89,90 and 124-128 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-55,63-70,75-81,89,90 and 124-128 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1 May 2007 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 1 May 2007 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 51-55, 76-81, and 125-127 have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's arguments with respect to claims 63-70, 75-76, 89-90, 124, and 128, it is noted that the present claims do not disclose the distance by which the axis is spaced from the contact region. Since these portions of the claimed basin have not been defined in exact relation to each other, the basin of Meinecke may be defined such that the contact region includes only the concave region in the central region of the C-shape, and the outermost points of the C are therefore located on either side of an axis that is defined as spaced apart from the contact region.

In response to the applicant's argument that Meinecke fails to disclose curved recesses on adjacent sides of the basin, it is noted that Meinecke shows curved

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recesses in Figure 1, where the back wall of the basin curved down to the front wall.

Since the term 'adjacent' is not clearly defined in the present specification to mean that the walls are directly next to one another, the broadest reasonable interpretation of the term 'adjacent' (i.e. nearby) will be used for purposes of examination.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 51-55 and 81 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Geary (6,609,257).

With respect to claims 51 and 81, O'Geary discloses a medical basin, as shown in figure 1, comprising a base 20 and a peripheral wall 12 defining a cavity. An upper periphery 16 is defined by the upper edge of the peripheral wall 12, and has first and second contoured recesses 14 configured to receive a human extremity, as shown in figure 1. The midpoint of the first contoured recess 14 is offset from the central axis passing through the first side of the peripheral wall 12, as shown in figure 1. The first and second contoured recesses 14 are located on portions of the peripheral wall 12 that are adjacent each other, as shown in figure 1.

With respect to claim 52, the first recess comprises a concave portion extending down and inwardly toward the cavity, as shown in figure 1.

With respect to claim 53, the first and second contoured recesses are fully capable of receiving a bent leg.

With respect to claim 54, the peripheral wall is fully capable of being deflected.

With respect to claim 55, the first and second contoured recesses are fully capable of receiving a leg above and below the knee.

Claims 63-65, 67-70, 75, 81, 89, 124, and 128 are rejected under 35 U.S.C. 102(b) as being anticipated by Meinecke (1,061,769).

With respect to claim 63, Meinecke discloses a medical basin, as shown in figure 1, comprising a base a and a peripheral wall a1 defining a cavity. A contact region is defined by the front portion of the peripheral wall a1 and has a generally concave shape recessed inwardly toward the cavity, as shown in figure 2. Ends extend outwardly from the contact region on either side of an axis spaced a distance outward from the contact region to form the two outermost points of the peripheral wall a1, as shown in figure 2.

With respect to claim 64, the portion b of the peripheral wall is biased outwardly away from the cavity, as shown in figures 1 and 4.

With respect to claims 65 and 75, the base a is curved in the manner of a horseshoe to define a U-shaped basin, as shown in figure 2.

With respect to claim 67, the first and second ends are convexly curved towards each other, as shown in figure 2.

With respect to claim 68, the convex ends define a smaller spacing than the concave-shaped middle portion of the basin, as shown in figure 2.

With respect to claims 69 and 70, the basin is fully capable of receiving the thigh of a human leg.

With respect to claim 81, Meinecke discloses a medical basin, as shown in figure 1, comprising a base 1 and a peripheral wall a1 defining a cavity. An upper periphery b is defined by the upper edge of the peripheral wall a1, and comprises first and second contoured recesses, as shown in figure 1.

With respect to claim 89, the first contoured recess is located on a short side of the basin, and the second contoured recess is located on the front side at a 90 degree angle relative to the first contoured recess.

With respect to claim 124, the contact region is fully capable of receiving a portion of an arm near the shoulder.

With respect to claim 128, the base a has a c-shape, as shown in figure 2.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 66 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meinecke (1,061,769).

Meinecke discloses all aspects of the claimed invention with the exception of the peripheral wall defining a contact region that is thinner at an upper edge than at a lower portion, and the flange having a further extension near the second end. It would have been obvious to one of ordinary skill in the art at the time of invention to make the upper edge of the peripheral wall thinner and the flange extend further at the second end, since the thickness of the wall and the extension of the flange do not serve any particular purpose or solve any stated problem, and it appears the invention will function equally well with either a thicker or thinner upper edge, or greater or less extension of the flange.

Claims 76-77, 79-80, and 125-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holloway et al. (5,381,562).

With respect to claim 76, Holloway discloses all aspects of the claimed invention with the exception of the first and second contoured recesses being substantially semi-circular. Holloway discloses a medical basin, as shown in figure 7, comprising a base 114 and a peripheral wall 112 defining a cavity. An upper periphery 132 is defined by the upper edge of the peripheral wall 112, and comprises a first contoured recess 162, a second contoured recess 163, and a third contoured recess 136, each fully capable of receiving a human extremity, as disclosed in column 2, lines 53-55. The contoured recesses 162 and 163 of Holloway are provided as hand gripping means. It would therefore have been an obvious to one of ordinary skill in the art at the time of invention

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to make the contoured recesses of Holloway substantially semi-circular rather than substantially flat, in order to provide a gripping surface that conforms better to the hand.

With respect to claim 77, the upper periphery 132 further comprises a fourth contoured recess 138.

With respect to claim 79, the contoured recesses have different sizes, as shown in figure 10.

With respect to claim 80, the first and second contoured recesses have the same size, and the third contoured recess has a different size, as shown in figure 10.

With respect to claims 125 and 127, the center line of the first recess is offset from the center line of the first side, and the center line of the second recess is offset from the center line of the second side, when defined in the lateral dimension of the basin.

With respect to claim 126, the first recess may be defined as recess 136, which is at a 90 degree angle with respect to the second recess 163.

Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holloway et al. (5,381,562) in view of Kress (2,709,435).

Holloway discloses all aspects of the claimed invention with the exception of the recesses being the same size. Kress teaches providing a medical basin with contoured recesses of the same size, as shown in figure 1, which allows the basin to be used in either direction. It would have been obvious to one of ordinary skill in the art at the time



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of invention to make the contoured recesses of Holloway the same size, as taught by Kress, to allow the basin to be used in either direction.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 5,477,866 and D 251,202 disclose medical basins.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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July 6, 2007

TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Tatyana', written in a cursive style.